

REMARKS

This application has been carefully reviewed in light of the Office Action mailed February 7, 2006 (“Office Action”). Claims 1-51 are pending in the Office Action. Claims 1-9, 13, 15-17, 21, 23, 24, 27-38, 40-44 and 46-51 stand rejected in the Office Action. Claims 10-12, 14, 18-20, 22, 25, 26, 39 and 45 are objected to in the Office Action. Claims 1, 35, and 41 have been amended and Claims 2, 37, 39, 43, 45, and 48-51 have been cancelled. Applicants respectfully request reconsideration and favorable action of all pending claims in view of the following remarks.

Previous Statement Regarding Joint Inventorship

In Applicant’s response mailed May 8, 2006, Applicants inadvertently repeated the Office Action’s advisement regarding joint inventorship at page 10 of the response. This repetition was incorrect and Applicants intended no meaning to it.

Section 103 Rejections

Claims 1, 2, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,577,862 over Davidson et al. (“*Davidson*”) in view of U.S. Patent No. 4,689,506 to Pace et al. (“*Pace*”). Claims 8, 15, 16, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Davidson* in view of *Pace* in view of U.S. Patent No. 6,385,195 to Sicher et al. (“*Sicher*”). Claims 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Davidson* in view of *Pace* in view of U.S. Patent Pub. No. 2003/0063578 to Weaver (“*Weaver*”). Claims 9, 13, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Davidson* in view of *Pace* in view of U.S. Patent No. 5,933,495 to Oh (“*Oh*”). Claims 27, 28, 29, 31, 34-38, 41, 43, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Pub. No. 2003/0078767 to Nayak (“*Nayak*”) in view of US Patent No. 5,995,607 to Beyda et al. (“*Beyda*”). Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Nayak* in view of U.S. Patent No. 6,745,055 to Iyengar et al. (“*Iyengar*”). Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Nayak* in view of *Iyengar* and in view of *Beyda*. Claims 30, 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nayak* in view of *Beyda* and further in view of *Iyengar*. Claims 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nayak* in view of *Iyengar* and in view of *Sicher*. Claims 32,

40, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nayak* in view of *Beyda* and further in view of *Sicher*. Applicants respectfully traverse.

Claims 1-26 Are Allowable:

Applicants have amended Claim 1 to include the limitations of Claim 2, now cancelled. Applicants' Claim 1 as amended recites "determining that noise is transmitted; in response to the determination, sending the notice of the transmitted noise, receiving a notice of the transmitted noise; and in response to the notice, granting priority to an outgoing signal over the transmitted noise." Applicants respectfully submit that the combination of *Davidson* and *Pace* do not teach these limitations. Specifically, neither *Davidson* nor *Pace* teach determining if a noise is transmitted and in response to the determination, sending a notice of transmitted noise. The Office Action states that column 6 lines 51-53 of *Davidson* teaches this limitation, however this is incorrect. This passage from *Davidson* only discloses the detection of silence on a communications channel, not transmitted noise:

the present invention detects the occurrence of silence in an uplink communication channel, either directly or as a SID code, and then transmits a silence indicator, such as a Network SID. A receiving device, typically a destination TCN, will then process the silence indicator, and, depending on the type of silence indicator received, produce a predetermined comfort noise.

The detection of silence is not the same as the detection of transmitted noise. As evidence of this, *Davidson* teaches producing comfort noise upon detection of silence. As a result, combining this teaching with that of *Pace* would not result in Applicants' limitation of determining that noise is transmitted and granting priority to an outgoing signal over the transmitted noise. Instead, the combination of *Davidson* and *Pace* as suggested by the Office Action would result in attenuating an outgoing or incoming signal over silence. This is clearly not Applicants' limitation. For at least these reasons, Claim 1 and its dependent claims are allowable. For similar reasons, Claims 9-26 are also allowable.

Claims 27-34 Are Allowable:

Claim 27 of Applicants' invention recites "receiving a status signal at the device indicating that the phone is operating as a speakerphone; and in response to the status signal, suppressing transmission of any comfort noise to the phone." The Office Action states that *Nayak* teaches suppressing transmission of comfort noise after receiving a status signal. This is

incorrect. Rather, *Nayak* teaches determining “near end” speech activity” and responding with either G7xx encoding or Comfort Noise Generator Adaptation. The passage relied upon by the Office Action, paragraph 0137 states:

Input data, including voice and silence/background data, is received, at step 110. At step 112, “near end” speech activity, i.e., that portion of speech or voice data at the front end or beginning of the voice/speech data, is determined. If a positive response is elicited, then G7xx encoding occurs, at step 114. Further, codeword data is sent to the channel (transmitted to the decoder) at step 116, and the state of the system may be returned to receive input data, at step 110. If a negative response is elicited, Comfort Noise Generator adaptation occurs, at step 118.

Comfort Noise Generator adaptation is not the same as suppressing transmission of comfort noise. In fact, *Nayak* itself teaches that Comfort Noise Generator adaptation is used to generate noise, not suppress it. This adaptation is discussed in paragraph 140 of *Nayak*:

According to an embodiment of the present invention, a comfort noise generation algorithm may be implemented to approximate the spectrum of an input noise using a Least Mean Square (LMS) function, for example. However, other functions, such as Normalized Least Mean Square (NLMS) or Linear Predictive Coding (LPC) may be implemented. The adaptation may utilize the fact that an inverse predictor shapes the input white noise to the required spectrum of the predicted signal. This adaptation may then be used to generate noise whenever speech is not present.

For at least this reason, Claim 27 is allowable, as are the claims that depend therefrom.

Claims Rewritten in Independent Form

The Office Action has indicated that Claims 39 and 45 would be allowable if rewritten in independent form. Applicants have rewritten these claims in independent form, as amended Claims 35 and 41 respectively. Applicants respectively request allowance of Claims 35 and 41.

Allowable Subject Matter

The Office Action states that Claims 10-12, 14, 18-20, 22, 25, 26, 39 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants have rewritten claims 39 and 45 in independent form. Pursuant to the above

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arguments, Applicants respectfully submit that the remainder of these claims are in a condition for allowance and favorable action is requested.

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CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicants respectfully request allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

Applicants believe no fee is due. However, if a fee is required, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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